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April 3, 2013

VIA ECF & FEDEX

The Honorable Susan D. Wigenton, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street, Room 5060
Newark, New Jersey 07102

Re: Sunovion Pharmaceuticals Inc. v. Teva Pharmaceuticals USA, Inc., et al.
Civil Action No. 09-1302 (SDW)(MF)

Dear Judge Wigenton:

This firm, together with Paul Hastings LLP, represents Plaintiff Sunovion Pharmaceuticals Inc. in the above-captioned action. We are pleased to inform the Court that Plaintiff and Sun Pharma Global Inc., Sun Pharmaceutical Industries Inc., and Sun Pharmaceutical Industries Ltd. (collectively, "Sun") have reached an amicable resolution of this matter.

Therefore, enclosed for Your Honor's consideration is a proposed Consent Judgment and Order of Permanent Injunction which, subject to Your Honor's approval, would dismiss Sun from this case. If the enclosed Order meets with Your Honor's approval, we respectfully request that it be so Ordered and entered on the docket.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Charles M. Lizza", followed by a long horizontal flourish.

Charles M. Lizza

Enclosure

cc: All counsel (via e-mail)

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Sunovion Pharmaceuticals Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUNOVION PHARMACEUTICALS INC.,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC., et al.,

Defendants.

Civil Action No. 09-1302 (SDW)(MF)

**Hon. Susan D. Wigenton, U.S.D.J.
Hon. Mark Falk, U.S.M.J.**

(Filed Electronically)

CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement (the “Litigation”) has been brought by Plaintiff Sunovion Pharmaceuticals Inc. (“Sunovion”) against Sun Pharma Global Inc., Sun Pharmaceutical Industries Inc., and Sun Pharmaceutical Industries Ltd. (collectively, “Sun”) for infringement of United States Patent Nos. 6,444,673, 6,319,926, 6,864,257, and 7,381,724 (collectively, the “Sunovion Patents”). Sunovion’s commencement of the Litigation was based on its receipt of notice from Sun that Sun had filed ANDA No. 91-103 with the United States Food and Drug Administration containing a certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) directed to the Sunovion Patents and seeking approval to market generic versions of 1, 2, and 3 mg tablets of eszopiclone.

Sunovion and Sun have agreed to enter into a good faith final settlement agreement regarding this Litigation on the expectation and belief that this would eliminate the substantial litigation costs that would otherwise be incurred by both Sunovion and Sun during the Litigation, while also serving the public interest by saving judicial resources and avoiding the risks to each of the parties associated with infringement. This reasonable final settlement will afford Sunovion and Sun the procompetitive opportunity to more productively use money and other resources that would have been spent in the continued prosecution and defense of this Litigation, to the benefit of the parties and consumers alike, such as by investing more money in pharmaceutical research and development.

Each of Sunovion and Sun acknowledge there is significant risk to each of them associated with the continued prosecution of this Litigation and have consented to judgment through a final settlement as reflected in the consent judgment set forth herein. The Court, upon the consent and request of Sunovion and Sun, hereby acknowledges the following Consent Judgment and, upon due consideration, issues the following Order.

Sunovion and Sun now consent to this Consent Judgment and Order of Permanent Injunction and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Subject matter jurisdiction, personal jurisdiction, and venue are all proper in this Court.
2. In this Litigation, Sunovion has charged Sun with infringement of the Sunovion Patents in connection with Sun's submission of Abbreviated New Drug Application ("ANDA") No. 91-103 directed to generic tablets containing 1, 2, and 3 milligrams of eszopiclone per tablet to the U.S. Food and Drug Administration ("FDA").
3. In response to Sunovion's charges of patent infringement, Sun has alleged certain defenses and counterclaims, including that the Sunovion Patents are invalid. No

decision has been obtained by the parties from this Court regarding these charges of infringement or these defenses and counterclaims.

4. Sun has not rebutted the statutory presumption that the Sunovion Patents are valid and enforceable in the Litigation. This admission is without prejudice to Sun's defenses and counterclaims that the unexpired Sunovion Patents are invalid.

5. Sun admits that the submission of ANDA No. 91-103 containing a certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) to the FDA for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use and/or sale of generic tablets containing 1, 2, and 3 milligrams of eszopiclone per tablet within the United States before the expiration of the Sunovion Patents was a technical act of infringement of the Sunovion Patents under 35 U.S.C. § 271 (e)(2)(A). This admission is without prejudice to Sun's defenses and counterclaims that the unexpired Sunovion Patents are invalid.

6. Sun has agreed that each of the defenses and counterclaims set forth in its Answer, Affirmative Defenses and Counterclaims, including the allegations and averments contained therein, should be dismissed, without prejudice.

7. Sun, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering to sell or selling within the United States, or importing into the United States, any generic tablet product containing 1, 2, and/or 3 milligrams of eszopiclone per tablet that is the subject of ANDA No. 91-103 until:

(a) April 15, 2014; or

(b) at such earlier date as may be permitted by the Settlement and License Agreement that the Parties have entered into.

8. Sunovion and Sun each expressly waives any right to appeal or otherwise move for relief from this Consent Judgment and Order of Permanent Injunction.

9. This court retains jurisdiction over Sunovion and Sun for purposes of enforcing this Consent Judgment and Order of Permanent Injunction.

10. The Clerk of the Court is directed to enter this Consent Judgment and Order of Permanent Injunction forthwith.

IT IS SO STIPULATED:

s/ Charles M. Lizza
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SO ORDERED:

This _____ day of _____, 2013

HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE